

WEATHER FORECAST FOR TODAY.
Moderate trades and mostly fair weather.

SUGAR—96° Centrifugals, 3,755 in
New York.

ESTABLISHED JULY 3, 1884.

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HONOLULU, HAWAII TERRITORY, TUESDAY, MARCH 3, 1903.

PRICE FIVE CENTS.

DOINGS OF A DAY IN TERRITORIAL LEGISLATURE

Considerable Work Cut Out for
the Next Few Days of
the Session.

Kumalae Brings in Old Flag Bill—Board of
Health Investigation Discussed—Many
Appropriations Asked.

Bills on second reading, with the continuation of the flood of petitions and resolutions, occupied the attention of the House and Senate yesterday, and through it all ran the spirit of waiting for the County bill. This measure has at length been translated, and is still in the hands of the printer.

The translators were much behind in their work, a close corporation having been formed so that the last copy of the measure was only given to the printer within four days, and consequently there will be material delay. This delay may cause a rupture between the Senate and the House, for the printing being left in the hands of the latter, the upper body is now compelled to wait, and take time that should be devoted to that measure for preliminaries which might be simply morning business, if the one bill which is to have right of way in both bodies was before them. One member of the upper body said yesterday that he would move that the Senate proceed and have its measure printed separately if the bill was not forthcoming very soon.

The House placed in the hands of its Committee on Public Health and Education the investigation of the charges against the Board of Health, relieving the House from the necessity of sitting for the purpose of hearing the matter, thus saving time that is badly needed in the general business of the session. The Senate is hard at work getting its measures to the stage of final action, so that there will be no delay chargeable against the upper house when the time approaches for the adjournment of the session. License matters were given most attention in the Senate, a second gas franchise being requested.

During the afternoon Speaker Beckley of the House had on the Speaker's stand beside him, Admiral Beckley, and for a shorter time, President Crabbe of the Senate, introducing them to the House with a few words at the close of the day.

IN THE HOUSE.

At the meeting of the House yesterday morning, following the tedious reading of the minutes, the special message from the Governor, submitted on Saturday, was read and referred to the Committee on Printing.

A communication was read from Attorney-General Andrews, accompanied by a letter from the High Sheriff explanatory of the deductions made from the pay of police officers in various parts of the islands for uniforms and telephone rentals. Mr. Andrews suggested that, with a shortage of money in last year's police appropriation, no other course had been possible, and said that he would be compelled to ask the Legislature for an emergency appropriation for the police department. This communication was in response to a resolution passed in the House some days ago.

On motion of Harris, the communication was referred to the new Police Committee.

A second communication from the Attorney-General stated emphatically that the appropriation of \$30,000 for the last fiscal period was not calculated and would not suffice to carry on the police business of the growing Territory, and that an emergency appropriation of

\$1200 would be necessary. The communication was referred to the Committee on Public Expenditures.

Harris moved that the House take up the consideration of Senate Bill No. 9, which is the act to prevent the importation of fruit pests. The bill passed its second reading by title, and was referred to the Committee on Printing.

SOME NEW PETITIONS.

The presentation of petitions and resolutions was in order, and a number were handed in, as follows:

From A. G. Serrao, damages during plague epidemic at Hilo in 1900. To Public Health Committee.

From people of Waikamalo and Upper Maunaloa, Hawaii, \$10,000 for road through homesteads. To Public Lands Committee.

From people of Kaola (Puna) and other places near by, \$14,000 for road to Kahualea. To Public Lands Committee.

From people of Maui, \$15,000 for road from Kihel to Kanaloa. To Public Expenditures Committee.

From people of Oahu, for an act incorporating Oahu into one city and county government.

From residents of Puna, for post office at Ophihiko.

EMERGENCY APPROPRIATION.

From the Finance Committee Harris made a report calling for the following emergency appropriations for the various departments of the Territorial government:

Your Finance Committee, to whom the emergency estimate for appropriations for the present fiscal period as submitted in a message from the Governor, beg leave to report as follows:

The Judiciary Department, Supreme and Circuit Courts, require \$18,250, and of interpreters not especially provided for, \$300, making a total of \$18,550.

We beg to state that the amount asked for is to carry the running expenses of these Courts from January 1st to June 30th, 1902, and recommend that these items be inserted in the estimates as requested.

The Department of Public Works have requested the appropriation of \$110,000 to carry them to June 30, 1903, the amounts apportioned as follows:

Roads and bridges, Fourth District, including Nuuanu Avenue, Honolulu, \$25,000; roads and bridges, Fifth District, Honolulu, \$10,000; dredging Honolulu harbor, \$25,000; landings and buoys, Honolulu, \$5,000; expenses of the sewers, Honolulu, \$1,500; repairs and furniture, government building, \$5,000; roads and bridges, general, all islands, \$10,000; landings and buoys, general, \$3,000; landings and buoys, Hawaii, \$5,000; Hilo Water Works, or so much thereof as may be necessary to complete contract, \$9,000; completion of road, Huehue to N. Kona or so much thereof as may be necessary to complete contract, \$5,000; re-locating road between Ookala and Kukialau, Hawaii, \$5,000; Waimea wharf, Kauai, \$1,500. Total, \$110,000.

SOME ADDITIONS MADE.

In regard to these items as requisitioned for by this Department your Committee beg to report that on the item of roads and bridges, Fifth District, Honolulu, we had added thereto the sum of \$2000 for additional needed improvements, making the amount \$12,000. Landings and buoys, Honolulu, we have added thereto the sum of \$10,000 as your Committee find that this sum will be necessary to repair some

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HAWAII WANTS COIN FOR PAYING FIRE CLAIMS

W. O. Smith Cables to Know How the
Creditors Want Their Money.
Dole Replies.

WASHINGTON, D. C., February 28.

Governor Dole, Honolulu:—How much of the million dollars for payment of fire claims should be in coin? How much in currency? The bonds will be ready next week.

The Treasury Department is giving further consideration to the Federal building site exchange. W. O. SMITH.

HONOLULU, February 28.

To Smith, Shoreham, Washington, D. C.: All coins. Currency not wanted. May arrange to sell the bonds here.

DOLE.

The above cablegrams indicate that preparations are almost completed at Washington for the sending of a Treasury agent to Honolulu with the million dollars for the payment of the fire claims. Whether or not this will be delayed by the failure of the legislature to make the appropriation for his expenses is still a question. The work on the bonds is also going steadily forward at Washington and they will probably be ready for shipment here this week. Governor Dole has cabled that the bonds can probably be placed in Honolulu under the provisions of the depository bill introduced by Senator Brown, and this will obviate the necessity of selling them in New York below par.

The information from Mr. Smith that the Treasury Department is giving further consideration to the Bishop site for a public building is also extremely welcome news, as it indicates that Secretary Shaw has hopes of the bill providing for a public building in Honolulu becoming a law, at least at the next session of Congress. If the proposition for the exchange of land is accepted by Secretary Shaw, it will permit of an early beginning of work in case an appropriation is obtained at the next session of Congress.

AMERICAN LAW REVIEW ON HAWAII'S POLITICAL JUDGES

Calls a Decision of Judge Little of Hilo a
"Fantastic" One in Reference to
the Stamps Act.

The American Law Review in its issue for January and February has the following:

In a former issue of this publication we called attention to a fantastic decision of a circuit judge at Hilo, in the Territory of Hawaii, holding that the stamp act of that Territory, which was in existence prior to the annexation to the United States, was unconstitutional. It is a matter for congratulation that that decision has now been reversed by the Supreme Court of Hawaii, one judge dissenting, but concurring with the majority of the court that the stamp act is constitutional. It seems that, probably by a clerical misprint, we ascribed the decision of the case at Hilo to Judge Gilbert. The name of the unfortunate judge was Little.

Information from trustworthy correspondents is to the effect that about seventy-five per cent of all the decisions of this judge which have been carried to the Supreme Court of the Territory have been reversed. Without intending that our remark shall apply to this, or to any other particular judge, we feel bound to say that it really looks as if the judicial positions of the Hawaiian Islands are used merely as places for defunct politicians. It is said that in another year the President will be called upon to appoint some ten judges to fill vacant judicial positions in those islands. If we may judge of the future by the past, these vacant places will be filled with persons whose only recommendation will consist in their former political service rendered in behalf of politicians now prominent and influential in Washington. Recurring to the stamp act case, we

find that the opinion of the Supreme Court of Hawaii was written by Mr. Justice Perry, and that the official syllabus prepared by the court is as follows: "Chapter 64 of the civil laws of 1897, relating to stamp duties, is not inconsistent with the provisions of Section 8 of Article 1 of the constitution of the United States, and was continued in force by the enabling act. The item in the schedule of that chapter relating to stamps on deeds does not provide for unequal taxation, and is not invalid. A decree in equity required the respondent to give to the complainant a good and sufficient deed to certain land. Held, that the giving of an unstamped deed was not a full compliance with the decree."

The case in which the ruling was made was that of Temikawa vs. Gama, on appeal from the Fourth District, in which the respondent, who had been ordered to file a deed in conformity with a court order, failed to affix the Territorial stamp. Judge Little held "that that law was contrary to the constitution, which provides that 'all duties shall be uniform throughout the United States.'" The Supreme Court holds that the act in question was not specifically repealed by the Organic Act, not even by implication.

The court adds: "The imposition of stamp duties for the purpose of revenue is but a method of taxation—is, clearly, a rightful subject of legislation. It was the intention of Congress, by the Organic Act, to authorize our legislature to pass tax laws. This is further shown by other portions of the act. The exercise of this power by the Territory is inconsistent with the clause of the constitution relating to uniformity."

LILIUOKALANI'S CLAIM COMES TO GRIEF IN SENATE

Foraker Offers a Substitute to the
Hawaiian Ditch Bill Removing
Bishop Estate Objections.

Delegate for Porto Rico---Philippine Coinage
Bill a Law---Millionaire Murdered---Pilgrims Filling Rome.

(SPECIAL CABLEGRAM TO THE ADVERTISER.)

WASHINGTON, March 2.—The amendment to the Appropriation bill granting former Queen Liliuokalani \$200,000 in settlement of her "real or pretended claims," was defeated in the Senate today by the conferees. The bill carrying an appropriation for an Hawaiian immigrant station was passed. E. G. WALKER.

(ASSOCIATED PRESS CABLEGRAMS.)

WASHINGTON March 2.—The conferees on the Appropriation bill agreed to strike out the item granting ex-Queen Liliuokalani \$200,000.

WASHINGTON, D. C., March 2.—The general deficiency appropriation bill has passed the Senate.

Amended Ditch Bill.

WASHINGTON, March 2.—Senator Foraker has offered a substitute for the Hawaiian Ditch Company's bill removing the objections to the original measure raised by the Bishop estate.

Supersedes Spanish Law.

MANILA, March 2.—The Government is preparing to promulgate Wright's penal code, which supersedes the ancient system of Spanish jurisprudence.

Millionaire Shot.

MERCED, Cal., March 2.—Henry Cowell, a San Francisco millionaire, was shot today and probably fatally wounded in a farmer's quarrel.

Delegate From Porto Rico.

WASHINGTON, March 2.—The House has passed the bill admitting a Delegate in Congress from Porto Rico.

An Old Abuse Abolished.

SACRAMENTO, March 2.—The Governor has signed the bill abolishing the California Bank Commission.

Philippine Tariff Bill.

WASHINGTON, March 2.—An effort will be made in the Senate tomorrow to pass the Philippine tariff bill.

Sacramento Keeps Its Own.

SACRAMENTO, March 2.—The bill removing the State capitol to San Jose was defeated in the Senate.

Pilgrims in Rome.

ROME, March 2.—Seventy thousand pilgrims are in the city to attend the jubilee of the Pope tomorrow.

Philippine Coinage Settled.

WASHINGTON, March 2.—The President has signed the Philippine Coinage bill.